

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

PAUL DANFORTH,)	CASE NO. 1:07 CV 3160
)	
Petitioner,)	JUDGE JAMES S. GWIN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
POLITO, Chief Probation Officer,)	<u>AND ORDER</u>
)	
Respondent.)	

On October 15, 2007, petitioner pro se Paul Danforth filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. Mr. Danforth seeks to challenge his May 2004 conviction, pursuant to a guilty plea, for felony non-support. As grounds for the petition, he asserts he was denied the right to be heard at a 1989 civil domestic relations hearing, and that there was insufficient evidence to support his 2004 conviction. For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the United States. Furthermore, the petitioner must have exhausted all

available state remedies. 28 U.S.C. § 2254.

Mr. Danforth's assertion concerning the 1989 civil hearing is not cognizable in this habeas action, as it was not part of the criminal proceedings resulting in his conviction. Further, as regards his sufficiency of the evidence ground, a guilty plea represents a break in the chain of events which preceded it in the criminal process, and he may not, therefore, raise issues relating to asserted constitutional violations which occurred prior to the plea. Tollett v. Henderson, 411 U.S. 258 (1973); Burrows v. Engle, 545 F.2d 552 (6th Cir. 1976).

Accordingly, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.R.App.P. 22(b).

IT IS SO ORDERED.

Dated: December 27, 2007

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE